



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0045

Introduced 12/17/2004, by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/3-102	from Ch. 68, par. 3-102

Amends the Illinois Human Rights Act. With respect to real estate transactions, prohibits discrimination on the basis of source of income. In provisions making it is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination or familial status or source of income, to engage in certain activities, provides that those provisions do not: (i) require a housing authority or housing development project in which 25% or more of the units are owned by a housing authority or subject to a leasing agreement, regulatory and operating agreement, or other similar instrument with a housing authority to lease or rent another unit of that same housing development project to an existing or prospective tenant who is receiving subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher program for payment of part or all of the rent for the unit; (ii) require or prevent, with specified exceptions, any person whose property is located in a municipality with fewer than 1,000,000 inhabitants and is in a concentrated census tract where 3% of the total housing stock in that census tract is occupied by tenants relying on subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher program for payment of part of the rent for the unit to lease or rent a unit to a prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part or all of the rent for the unit (the housing authority shall determine which census tracts within its service area meet the concentrated census tract exemption requirements and annually deliver that information to the municipalities within its jurisdiction); or (iii) prevent an owner or agent from taking into consideration factors other than lawful source of income such as credit history, criminal history, or references. Effective immediately.

LRB094 04172 RLC 34196 b

1 AN ACT in relation to human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102, 1-103, and 3-102 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 Sec. 1-102. Declaration of Policy. It is the public policy
8 of this State:

9 (A) Freedom from Unlawful Discrimination. To secure for all
10 individuals within Illinois the freedom from discrimination
11 against any individual because of his or her race, color,
12 religion, sex, national origin, ancestry, age, marital status,
13 physical or mental handicap, military status, or unfavorable
14 discharge from military service in connection with employment,
15 real estate transactions, access to financial credit, and the
16 availability of public accommodations.

17 (B) Freedom from Sexual Harassment-Employment and Higher
18 Education. To prevent sexual harassment in employment and
19 sexual harassment in higher education.

20 (C) Freedom from Discrimination Based on Citizenship
21 Status-Employment. To prevent discrimination based on
22 citizenship status in employment.

23 (D) Freedom from Discrimination Based on Familial Status or
24 Source of Income-Real Estate Transactions. To prevent
25 discrimination based on familial status or source of income in
26 real estate transactions.

27 (E) Public Health, Welfare and Safety. To promote the
28 public health, welfare and safety by protecting the interest of
29 all people in Illinois in maintaining personal dignity, in
30 realizing their full productive capacities, and in furthering
31 their interests, rights and privileges as citizens of this
32 State.

1 (F) Implementation of Constitutional Guarantees. To secure
2 and guarantee the rights established by Sections 17, 18 and 19
3 of Article I of the Illinois Constitution of 1970.

4 (G) Equal Opportunity, Affirmative Action. To establish
5 Equal Opportunity and Affirmative Action as the policies of
6 this State in all of its decisions, programs and activities,
7 and to assure that all State departments, boards, commissions
8 and instrumentalities rigorously take affirmative action to
9 provide equality of opportunity and eliminate the effects of
10 past discrimination in the internal affairs of State government
11 and in their relations with the public.

12 (H) Unfounded Charges. To protect citizens of this State
13 against unfounded charges of unlawful discrimination, sexual
14 harassment in employment and sexual harassment in higher
15 education, and discrimination based on citizenship status in
16 employment.

17 (Source: P.A. 87-579; 88-178.)

18 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

19 Sec. 1-103. General Definitions. When used in this Act,
20 unless the context requires otherwise, the term:

21 (A) Age. "Age" means the chronological age of a person who
22 is at least 40 years old, except with regard to any practice
23 described in Section 2-102, insofar as that practice concerns
24 training or apprenticeship programs. In the case of training or
25 apprenticeship programs, for the purposes of Section 2-102,
26 "age" means the chronological age of a person who is 18 but not
27 yet 40 years old.

28 (B) Aggrieved Party. "Aggrieved party" means a person who
29 is alleged or proved to have been injured by a civil rights
30 violation or believes he or she will be injured by a civil
31 rights violation under Article 3 that is about to occur.

32 (C) Charge. "Charge" means an allegation filed with the
33 Department by an aggrieved party or initiated by the Department
34 under its authority.

35 (D) Civil Rights Violation. "Civil rights violation"

1 includes and shall be limited to only those specific acts set
2 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
3 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
4 Act.

5 (E) Commission. "Commission" means the Human Rights
6 Commission created by this Act.

7 (F) Complaint. "Complaint" means the formal pleading filed
8 by the Department with the Commission following an
9 investigation and finding of substantial evidence of a civil
10 rights violation.

11 (G) Complainant. "Complainant" means a person including
12 the Department who files a charge of civil rights violation
13 with the Department or the Commission.

14 (H) Department. "Department" means the Department of Human
15 Rights created by this Act.

16 (I) Handicap. "Handicap" means a determinable physical or
17 mental characteristic of a person, including, but not limited
18 to, a determinable physical characteristic which necessitates
19 the person's use of a guide, hearing or support dog, the
20 history of such characteristic, or the perception of such
21 characteristic by the person complained against, which may
22 result from disease, injury, congenital condition of birth or
23 functional disorder and which characteristic:

24 (1) For purposes of Article 2 is unrelated to the
25 person's ability to perform the duties of a particular job
26 or position and, pursuant to Section 2-104 of this Act, a
27 person's illegal use of drugs or alcohol is not a handicap;

28 (2) For purposes of Article 3, is unrelated to the
29 person's ability to acquire, rent or maintain a housing
30 accommodation;

31 (3) For purposes of Article 4, is unrelated to a
32 person's ability to repay;

33 (4) For purposes of Article 5, is unrelated to a
34 person's ability to utilize and benefit from a place of
35 public accommodation.

36 (I-5) Housing authority. "Housing authority" means either

1 a housing authority created under the Housing Authorities Act
2 or other government agency that is authorized by the United
3 States government under the United States Housing Act of 1937
4 to administer a housing choice voucher program, or the
5 authorized agent of such a housing authority that is authorized
6 to act upon that authority's behalf.

7 (J) Marital Status. "Marital status" means the legal status
8 of being married, single, separated, divorced or widowed.

9 (J-1) Military Status. "Military status" means a person's
10 status on active duty in the armed forces of the United States,
11 status as a current member of any reserve component of the
12 armed forces of the United States, including the United States
13 Army Reserve, United States Marine Corps Reserve, United States
14 Navy Reserve, United States Air Force Reserve, and United
15 States Coast Guard Reserve, or status as a current member of
16 the Illinois Army National Guard or Illinois Air National
17 Guard.

18 (K) National Origin. "National origin" means the place in
19 which a person or one of his or her ancestors was born.

20 (L) Person. "Person" includes one or more individuals,
21 partnerships, associations or organizations, labor
22 organizations, labor unions, joint apprenticeship committees,
23 or union labor associations, corporations, the State of
24 Illinois and its instrumentalities, political subdivisions,
25 units of local government, legal representatives, trustees in
26 bankruptcy or receivers.

27 (M) Public Contract. "Public contract" includes every
28 contract to which the State, any of its political subdivisions
29 or any municipal corporation is a party.

30 (N) Religion. "Religion" includes all aspects of religious
31 observance and practice, as well as belief, except that with
32 respect to employers, for the purposes of Article 2, "religion"
33 has the meaning ascribed to it in paragraph (F) of Section
34 2-101.

35 (O) Sex. "Sex" means the status of being male or female.

36 (O-5) Source of Income. "Source of income" means any lawful

1 income, subsidy, or benefit with which an individual supports
2 himself or herself and his or her dependents, including, but
3 not limited to, child support, maintenance, and any federal,
4 State, or local public assistance, medical assistance, or
5 rental assistance program.

6 (P) Unfavorable Military Discharge. "Unfavorable military
7 discharge" includes discharges from the Armed Forces of the
8 United States, their Reserve components or any National Guard
9 or Naval Militia which are classified as RE-3 or the equivalent
10 thereof, but does not include those characterized as RE-4 or
11 "Dishonorable".

12 (Q) Unlawful Discrimination. "Unlawful discrimination"
13 means discrimination against a person because of his or her
14 race, color, religion, national origin, ancestry, age, sex,
15 marital status, handicap, military status, or unfavorable
16 discharge from military service as those terms are defined in
17 this Section.

18 (Source: P.A. 93-941, eff. 8-16-04.)

19 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

20 Sec. 3-102. Civil Rights Violations; Real Estate
21 Transactions) It is a civil rights violation for an owner or
22 any other person engaging in a real estate transaction, or for
23 a real estate broker or salesman, because of unlawful
24 discrimination or familial status or source of income, to

25 (A) Transaction. Refuse to engage in a real estate
26 transaction with a person or to discriminate in making
27 available such a transaction;

28 (B) Terms. Alter the terms, conditions or privileges of a
29 real estate transaction or in the furnishing of facilities or
30 services in connection therewith;

31 (C) Offer. Refuse to receive or to fail to transmit a bona
32 fide offer to engage in a real estate transaction from a
33 person;

34 (D) Negotiation. Refuse to negotiate for a real estate
35 transaction with a person;

1 (E) Representations. Represent to a person that real
2 property is not available for inspection, sale, rental, or
3 lease when in fact it is so available, or to fail to bring a
4 property listing to his or her attention, or to refuse to
5 permit him or her to inspect real property;

6 (F) Publication of Intent. Print, circulate, post, mail,
7 publish or cause to be so published a written or oral
8 statement, advertisement or sign, or to use a form of
9 application for a real estate transaction, or to make a record
10 or inquiry in connection with a prospective real estate
11 transaction, which expresses any limitation founded upon, or
12 indicates, directly or indirectly, an intent to engage in
13 unlawful discrimination;

14 (G) Listings. Offer, solicit, accept, use or retain a
15 listing of real property with knowledge that unlawful
16 discrimination or discrimination on the basis of familial
17 status in a real estate transaction is intended.

18 Nothing in this Section 3-102 or in any municipal or county
19 ordinance described in Section 7-108 of this Act shall require
20 a housing authority, its designated property manager, or any
21 other housing authority agents or assigns of any housing
22 development project in which 25% or more of the units are owned
23 by a housing authority or subject to a leasing agreement,
24 regulatory and operating agreement, or other similar
25 instrument with a housing authority to lease or rent another
26 unit of that same housing development project to an existing or
27 prospective tenant who is receiving subsidies, payment
28 assistance, contributions, or vouchers under or in connection
29 with the federal Housing Choice Voucher (also known as Section
30 8) program (42 U.S.C. 1437f) for payment of part or all of the
31 rent for the unit.

32 Nothing in this Section 3-102, except with respect to
33 written statements prohibited by subdivision (F) of this
34 Section, shall require or prevent any person whose property is
35 located in a municipality with fewer than 1,000,000
36 inhabitants, and is in a concentrated census tract where 3% of

1 the total housing stock in that census tract is occupied by
2 tenants relying on subsidies, payment assistance,
3 contributions, or vouchers under or in connection with the
4 federal Housing Choice Voucher (also known as Section 8)
5 program (42 U.S.C. 1437f) for payment of part of the rent for
6 the unit to lease or rent a unit to a prospective tenant who is
7 relying on such a subsidy, payment assistance, contribution, or
8 voucher for payment of part or all of the rent for the unit.
9 The housing authority shall determine which census tracts
10 within its service area meet the concentrated census tract
11 exemption requirements and annually deliver that information
12 to the municipalities within its jurisdiction.

13 Nothing in this Section 3-102 prevents an owner or agent
14 from taking into consideration factors other than lawful source
15 of income such as credit history, criminal history, or
16 references.

17 (Source: P.A. 86-910.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.